

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERRY VANDIVER,

Plaintiff,

v.

CASE NO. 08-10508

HON. MARIANNE O. BATTANI

DOUG VASBINDER, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Jerry Vandiver filed a civil rights action pursuant to 42 U.S.C. § 1983 based upon conduct that occurred during his incarceration at Jackson Correctional Facility in Jackson, Michigan. According to Vandiver, Defendants violated his First and Eighth Amendment rights when he was denied medical treatment in retaliation for his exercise of protected First Amendment rights. The case was referred to Magistrate Judge Mona K. Majzoub for all pretrial proceedings. See 28 U.S.C. § 636(b)(1).

In her Report and Recommendation, the Magistrate Judge recommended that the Court dismiss Defendant Vasbinder pursuant to 28 U.S.C. § 1915A. (Doc. No. 63). The Magistrate Judge informed the parties that objections to the Report and Recommendation must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 9; 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2); Thomas v. Arn, 474 U.S. 140 (1985).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, **DISMISSES** Doug Vasbinder from this lawsuit pursuant to 28 U.S.C. § 1915A.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: January 26, 2012

CERTIFICATE OF SERVICE

Copies of this Order were served upon all counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
CASE MANAGER